



Board of Zoning Appeals June 14, 2007

Meeting Minutes

Board Members Present	Al Pond (Chair), Mark King (Vice Chair), Paul Reale, Ruth Coan, Ron Carpinella and Oz Hill
Board Members Absent Excused	Ken Moller
Staff Present	Michael Zehner, Cesar Geraldo, Michael Barnett, Mark Moore, Cristina Nelson, Doug Trettin, Shaun Suggs and Bridgette Gray

CALL to Order	Al Pond called the meeting to order at 7:00 p.m.
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I.	PREVIOUS ACTION REPORT
	ACTION: Paul Reale moved to approve the Action Report from the June 14, 2007 meeting. Ron Carpinella seconded. The Action Report was APPROVED (6-0, Pond, King, Reale, Carpinella, Hill and Coan for)
II.	PREVIOUS MINUTES
	ACTION: Paul Reale moved to approve the Minutes from the June 14, 2007 meeting. Ron Carpinella seconded. The Meeting Minutes were APPROVED (6-0, Pond, King, Reale, Carpinella, Hill and Coan for)
III.	NEW CASES
A.	V07-014 70 Chevaux Court <i>Applicant(s): Howard Williams</i> <i>Representative(s): Steven Labovitz</i> SUMMARY/STAFF PRESENTATION: Cesar Geraldo/Primary variance from Section 14.6.5.a.i and ii of the Sandy Springs Land Development Regulations to reduce the 50 foot undisturbed natural buffer and the 25 foot impervious surface setback to 0 feet for the construction of a pedestrian bridge and a waterfall. Applicant Presentation: Steven Labovitz, Attorney and Jerry Cleary Michael Barnett, Arborist (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: None • Against the Petition: Patty Berkowitz, 800 Crest Valley Drive, in opposition of the petition. (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Oz Hill moved to approve with conditions. Ron Carpinella seconded. The motion was APPROVED (4-1, Pond, Hill, Coan and Carpinella for) (Mark King against and Paul Reale recused)
	Condition(s): 1) That the bridge and waterfall be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received February 6, 2007 by the Department of Community Development, showing the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback reduced to no less than a zero (0) foot undisturbed buffer where necessary to accommodate the portion of the encroachment only.

- 2) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such infiltration promoting device.
- 3) When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
- 4) Streams shall not be channelized or straightened. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
- 5) Stream bank restoration shall be installed as required by the Director of the Community Development Department.
- 6) The owner/developer shall provide for swimming pool water overflow to discharge in a manner that is compliant with the Department of Community Development Pool Discharge Policy.
- 7) That no development requiring variance approval other than finishing development that has already begun shall be permitted within the Sandy Springs buffer and impervious setback without obtaining additional variances.
- 8) The applicant must obtain the applicable required permit(s) through Sandy Springs before resuming work within the seventy-five (75) foot stream buffer and the twenty-five (25) foot state buffer.
- 9) That the foot bridge has a permanent metal hand rail located in the middle of the bridge.

B.

V07-028

7840 Roswell Road

Applicant(s): City of Sandy Springs

Representative(s): City of Sandy Springs

SUMMARY/STAFF PRESENTATION: Cesar Geraldo/Three primary variances from the Zoning Ordinance:

- 1) Variance from Section 33.22.B to allow for a sign to be located on the right-of-way.
- 2) Variance from Section 33.22.C to reduce the required 10 foot minimum sign setback from the right-of-way to 0 Feet.
- 3) Variance from Section 33.26.H.1.c to allow for a second free standing sign on commercial property which lot has more than 1,000 linear feet of frontage.

Applicant Presentation: Cesar Geraldo

(Invitation for public comment in support of and in opposition to the petition)

• **Support for the Petition:**

None

• **Against the Petition:**

None

(Close of public hearing. Board of Zoning Appeals questions and discussion)

ACTIONS: Ruth Coan moved to approve with conditions. Paul Reale seconded. The motion was APPROVED (6-0, Pond, King, Reale, Carpinella, Hill and Coan for)

Condition(s):

- 1) That the sign shall be located not less than fifteen (15) feet from the back of the curb, pursuant to the site plan provided by the applicant dated received March 27, 2007 by the Department of Community Development.
- 2) That the sign area shall not exceed thirty-two (32) square feet of sign area and six (6) feet in height, pursuant to the sign design detail, submitted by the applicant, dated received March 27, 2007 by the Department of Community Development.
- 3) That the free standing sign is only to be used to identify the Sandy Springs City Hall.
- 4) That the free standing sign be located at the proposed location upon approval from Georgia Department of Transportation.

C.	V07-030 212 Londonberry Road <i>Applicant(s): John Palmer</i> <i>Representative(s): Warren Sirzyk</i> SUMMARY/STAFF PRESENTATION: Cesar Geraldo/ Primary variance from Section 6.2.3.C of the Zoning Ordinance to reduce the minimum side yard setback from 15 feet to 5 feet to allow for a generator to be located on the required side yard setback. Applicant Presentation: Larry Dingle, Attorney - Warren Sirzyk (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Stephen and Diana Bernstein, 216 Londonberry Road (letter submitted) in support of the petition. Joe Johnson, 218 Londonberry Road (letter submitted) in support of the petition. Mark Elliott, 214 Londonberry Road (letter submitted) in support of the petition. Frank Schuler, 200 Londonberry Road (letter submitted) in support of the petition. • Against the Petition: Nathan Hendricks, 6085 Lake Forrest Drive (representing Kevin Warren, neighbor) that is in opposition of the petition. Kevin Warren 265 Tara Trail, in opposition of the petition. (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Paul Reale moved to deny the application. Al Pond seconded. The motion was APPROVED (5-1, Pond, Reale, Carpinella, Coan and King for) Hill against. Condition(s): N/A
D.	V07-031 5510 Claire Rose Lane Land Lot 134, District 17 <i>Applicant(s): Gerald Feuer</i> <i>Representative(s): Gerald Feuer</i> SUMMARY/STAFF PRESENTATION: Cesar Geraldo/ Primary variance from Section 6.3.3.C of the Zoning Ordinance to reduce the minimum side yard setback from 15 feet to 1 foot to allow for the construction of a pool house. Applicant Presentation: Gerald Feuer (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: None • Against the Petition: None (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Paul Reale moved to approve. The motion was not seconded and failed. Ron Carpinella moved to deny the application. Mark King seconded. The motion was APPROVED (5-1, Carpinella, King, Pond, Coan and Hill for) Paul Reale against. Condition(s): N/A

E.	V07-032 215 Wessex Court <i>Applicant(s): Steve & Laura Minnich</i> <i>Representative(s): Steve & Laura Minnich</i> SUMMARY/STAFF PRESENTATION: Cesar Geraldo/ Primary variance from Section 6.7.3.D of the Zoning Ordinance to reduce the minimum rear yard setback from 25 feet to 18 feet to allow for construction of a family room addition. Applicant Presentation: Steve & Laura Minnich (Invitation for public comment in support of and in opposition to the petition) ● Support for the Petition: James Dale, 810 Mabry Road, in opposition of the petition with stipulations ● Against the Petition: None (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Mark King moved to approve with conditions. Paul Reale seconded. The motion was APPROVED (6-0, Pond, King, Reale, Carpinella, Hill and Coan for). Condition(s): 1) That the site be developed in accordance with the Site Plan, provided by the applicant dated received April 2, 2007 by the Department of Community Development, showing the side yard setback reduced to no less than eighteen (18) feet where necessary to accommodate the portion of the encroachment only. 2) That the owner constructs the addition using similar materials that were used to construct the main residence. 3) That the owner provide for the water drainage, resulting from the completed addition, to be adequately and properly controlled away from the subject property. 4) That no vertical wall, as a part of the addition, be constructed to be set back closer than twenty (20) feet to the rear property line allowing for features like gutters and eaves to be set back no closer than eighteen (18) from the rear property line. 5) That the owner provides landscape buffering in the form of trees along the entire rear property line. The aforementioned landscape buffer shall be installed in the form of trees having a minimum height of ten (10) feet and having a mature height of approximately twenty (20) feet as approved by the City Arborist. The aforementioned landscape buffer shall be maintained in a healthy state as long as the subject addition remains constructed.
F.	V07-033 4579 Roswell Road (SR 9), 261 Hedden Street & Windsor Parkway (170094 0001020) <i>Applicant(s): PDB Family Trust, LLP</i> <i>Representative(s): Nathan Hendricks, Attorney</i> SUMMARY/STAFF PRESENTATION: Cesar Geraldo/Three primary variances: 1) Variance from Section 34.5.3 of the Zoning Ordinance to allow relief of the required sidewalk improvements along the Hedden Street frontage of the subject property. 2) Variance from Section 8.2.4.C.b of the Sandy Springs Subdivision Regulations to allow relief of the required sidewalk improvements along the Hedden Street frontage of the subject property. 3) Variance from Chapter 16 of the Sandy Springs Code of Ordinances to allow relief of the required sidewalk improvements along the Hedden Street frontage of the subject property. All variances to convert the existing 10,500 square foot church structure into an art/auction gallery and to convert the existing 12,000 square foot accessory building into a storage building for the art/auction gallery use. Applicant Presentation: Nathan Hendricks, Attorney (Invitation for public comment in support of and in opposition to the petition)

	• Support for the Petition: Rebecca Radvak, 276 Windsor Parkway, in support of the petition. Nancy Early, 5220 High Point Road, in support of the petition. • Against the Petition: Mike Breen, 294 Windsor Parkway, in opposition of the petition. (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Ruth Coan moved to approve with conditions. Oz Hill seconded. The motion was APPROVED (5-1, Coan, Hill, Pond, King and Carpinella for) Paul Reale against. Condition(s): That the site be developed in accordance with the proposed site plan provided by the Applicant dated received April 3, 2007 by the Department of Community Development.
G.	V07-041 7820 & 7830 Woodall Ferry Road & Woodall Ferry Road (06 0312LL025) Applicant(s): <i>Insignia Holdings, LLC</i> Representative(s): <i>Guy Weiss</i> SUMMARY/STAFF PRESENTATION: Cesar Geraldo/Five primary variances: 1) Variance from Section 6.5.3.B of the Zoning Ordinance to reduce the minimum front yard setback from 50 feet to 40 feet (lots 1, 2, 3, 5, 6, 7, and 8) and to 30 feet and 20 feet (lot 4). 2) Variance from Section 34.5.3 of the Zoning Ordinance to allow relief of the required sidewalk improvements (landscape strip) along sections of the proposed private street. 3) Variance from Section 7.2 of the Sandy Springs Subdivision Regulations to allow for on-street parking on the proposed private street. 4) Variance from Section 8.2.4.C.b of the Sandy Springs Subdivision Regulations to allow relief of the required sidewalk improvements (landscape strip) along sections of the proposed private street. 5) Variance from Chapter 16 of the Sandy Springs Code of Ordinances to allow relief of the required sidewalk improvements along sections of the proposed private street. All variances to allow for the construction of a single-family development. Applicant Presentation: Guy Weiss (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Chaz Lazamar, 2160 Spalding Drive, in support of the petition. Patrick Kotora, 245 Summerhouse Lane, in support of the petition. • Against the Petition: Robert & Jeanne Larson, 7180 Cherry Bluff Drive, in opposition of the petition. (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Paul Reale moved to approve with conditions. Oz Hill seconded. The motion was APROVED (6-0, Pond, King, Reale, Carpinella, Hill and Coan for)

Condition(s):

- 1) That the site be developed in accordance with the Site Plan, provided by the applicant dated received June 5, 2007 by the Department of Community Development, showing a reduction in minimum front yard setbacks and showing on-street parking.
- 2) That from the northwestern property line, shown to have a length of 287.40 feet, of the parcel indicated as lot #4, the required minimum side yard setback shall be twenty (20) feet. Pond motioned to amend the motion to **allow for a thirty (30) foot front setback from the entire frontage of the parcel indicated as lot #4 where a fifty (50) foot front yard setback is required**, King seconded. Approved (6-0). Carpinella motioned to amend the motion to **deny the variances regarding sidewalk improvements (landscape strip) shown as requests numbered 2, 4, and 5**, Reale seconded. Approved (6-0). Carpinella motioned to **approve the application as amended**, Hill seconded. Approved (6-0).

Meeting Adjournment

The meeting was adjourned at 10:30 p.m.

Approval Signatures

Date Approved

Al Pond, Chairman

**Michael Zehner, Assistant Director
Planning & Zoning**

**Bridgette Gray, Administrative
Assistant/Transcriber**



